

DOCKET FILE COPY ORIGINAL

WILKINSON) BARKER) KNAUER) LLP

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

July 25, 2008

FILED/ACCEPTED

JUL 25 2008

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: **Amendment of Section 73.202(b)**
FM Table of Allotments
(Silverpeak, Nevada)

Dear Ms. Dortch:

Transmitted herewith on behalf of Shamrock Communications, Inc. is a copy of a Petition for Rule Making seeking the allotment of Channel 291C to Silverpeak, Nevada, which was submitted to the FCC on July 24, 2008. As the petition was date-stamped by the FCC as "RECEIVED - FCC JUL 24 2008 Federal Communications Commission Bureau/Office," instead of "FILED/ACCEPTED JUL 24 2008 Federal Communications Commission Office of the Secretary," the petition is being re-filed with the FCC's Office of the Secretary to ensure that the petition is assigned a rulemaking number.

Should any questions arise concerning this matter, please contact the undersigned.

WILKINSON BARKER KNAUER, LLP

By: 

Patricia M. Chuh

Encl.

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MB 08-85

STAMP AND RETURN

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED - FCC

JUL 24 2008

Federal Communications Commission
Bureau / Office

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Silverpeak, Nevada)

)
)
) RM _____
)
)
)

To: Assistant Chief, Audio Division, Media Bureau

Petition for Rulemaking

Shamrock Communications, Inc. ("Shamrock"), by its counsel, hereby respectfully requests that the Commission commence a rulemaking proceeding to allot Channel 291C to Silverpeak, Nevada¹ as its first local broadcast service (FM Allotment Priority No. (3) First local transmission service).

The allotment of Channel 291C to Silverpeak, Nevada may be made in compliance with the Commission's separation and allocation requirements. Channel 291C may be allotted at reference coordinates 37-49-22 N; 117-09-53 West (NAD 27), which site is approximately 42 kilometers from the community coordinates of Silverpeak, Nevada. Attached is a channel study showing that these allotment coordinates are fully spaced to all allotments under the Table of Distances in 47 C.F.R. §73.207. Also attached is a map showing that Silverpeak, Nevada is within the 70 dBu contour of the proposed allotment, using the fully spaced allotment coordinates with a non-directional 39 kilowatt ERP at 895.3 meters height above average terrain.

¹ It is noted that Silverpeak has two spellings, "Silverpeak" and Silver Peak." Attached is the original county survey from 1969 from the Esmeralda County archives for Silverpeak. As this survey constitutes an official county record establishing Silverpeak, the spelling of "Silverpeak" will be used in the instant petition for rulemaking.

Shamrock requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Silverpeak, Nevada		291C

Silverpeak, Nevada is a community for allotment purposes. Although Silverpeak is an unincorporated community in Esmeralda County, Nevada with a population of 161 persons (based on the 2000 County Census), Silverpeak is a geographically identifiable population grouping. *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, at 101 (1982); *Becon Broadcasting*, Memorandum Opinion and Order, 2 FCC Rcd 3469, *aff'd* 2 FCC Rcd 7562 (1987). Silverpeak has its own post office, postal zip code (89047), telephone prefix (937, located within the 775 area code), and voluntary fire department as well as its own public library and elementary school. *See* attached documentation. There are also several businesses that serve the community of Silverpeak, Nevada, including many that incorporate the name of the community in its name. *See, e.g., Kenansville, Florida*, 10 FCC Rcd 9831 (1995) (the existence of organizations that incorporate the community's name is indicative of community status). For example, Silverpeak Utilities is the local supplier of water to Silverpeak and the surrounding area. Silverpeak's largest business is Chemetall Foote Corporation, which operates a Lithium Mine in Silverpeak. Silverpeak is one of the largest producers of lithium in North America. In addition, Silverpeak has its own motel (Winners Inn), cemetery, community park, which has a tennis and basketball court and a swimming pool (The Silverpeak Community Park), and a church that identifies itself as being part of Silverpeak (The Silverpeak Baptist Church). *See* attached information page from the Esmeralda County website

listing various attributes about Silverpeak; attached information about Esmeralda County and Silverpeak from the Governet website.

The allotment of Channel 291C to Silverpeak, Nevada will result in a preferential arrangement of FM channel assignments/allotments. As noted, Silverpeak will receive its first local broadcast service (FM Allotment Priority No. (3) First local transmission service).

Silverpeak is deserving of a first local broadcast service because the residents will benefit from having their own local broadcast service that can provide local, community specific programming and emergency information.

Shamrock hereby certifies that if Channel 291C is allotted to Silverpeak, Nevada, Shamrock intends to apply to participate in the auction for the Channel 2971C, Silverpeak, Nevada facilities, and to promptly construct the Channel 2971C, Silverpeak, Nevada facilities if Shamrock is the winning bidder for such facilities.

WHEREFORE, for the reasons above, Shamrock respectfully requests that the Commission commence a rulemaking proceeding to allot Channel 291C to Silverpeak, Nevada.

Respectfully submitted,

SHAMROCK COMMUNICATIONS, INC.

By: 

Kenneth E. Satten
Patricia M. Chuh
Its Counsel

Wilkinson Barker Knauer, LLP
2300 N. Street, N.W.
Suite 700
Washington, D.C. 20037
(202) 783-4141

July 24, 2008

State of Nevada
County of Esmeralda

On this 11th day of December, 1962,
before me, J.V. CASSELL, County and District Clerk
in and for Esmeralda County, State of Nevada,
appeared,
the person described in the foregoing description of trust,
and to me known as such trust and acknowledged that he
executed the foregoing instrument as trustee, freely
and voluntarily and for the uses and purposes therein
mentioned.

Witness my hand and official seal.

John V. Cassell
County Clerk

Approved this 11th day of December, 1962

E. J. Dutton
Chairman Board of County Commissioners
for Esmeralda County, Nevada

Approved this 11th day of December, 1962

T. J. Harnes
Chairman Planning Commission
for Esmeralda County, Nevada

County Clerk's Certificate
Approved and accepted this 11th day of December,
1962, by the County Clerk, Esmeralda Co., Nevada

John V. Cassell
County Clerk, Esmeralda Co., Nevada

Certificate

I, J.V. Cassell, R.L.S. 481 Nevada, do hereby certify
that this is a true and accurate map of a survey
made by me. At the request of Kenneth L. Mann, Judge
of the District Court of Esmeralda County, Goldfield
Nevada, Silverpeak Township, situated in the W1/2
of Section 22, T2S, R30E, M20S, 4M. That this map
represents all lots, blocks, streets, and corners
intended for public use with the said townsite, that have not
been placed at all intersections of streets, block corners
at lot corners. Description of townsite as follows:
W1/2 NW1/4 NE1/4, SW1/4 NE1/4, W1/2 SE1/4 NW1/4, NW1/4
NE1/4 SE1/4 NW1/4, NW1/4 NE1/4 SW1/4 NE1/4, S1/2
NE1/4 SW1/4 NE1/4, NW1/4 SW1/4 NE1/4, S1/2 SW1/4 NE1/4
70 acres. Excluding all right of way for highways,
power lines, and other public uses. Townsite is
described as follows: S1/2 NE1/4 SE1/4 NW1/4, SE1/4 NW1/4
SE1/4 NW1/4, E1/2 SW1/4 NW1/4, SE1/4 SE1/4 NW1/4
120.22 acres

Trustees

Know all men by these presents, That whereas, I,
Kenneth L. Mann, Judge of the District Court of the 5th
Judicial District of the State of Nevada, in and for the
County of Esmeralda, pursuant to the provisions of Sec.
2387, 2388 & 2389, Revised Statutes, U.S.C. 71B-720,
the undersigned holds these such lands as trustees for
the benefit of Silverpeak, Nevada for the benefit of the
beneficial settlers and occupants of lands within such
townsite, subject to the restrictions contained in Sec.
2386, 2391, 2392, 2393, Revised Statutes 43 U.S.C. 717,
721, 723

Now, therefore, conformity with the Statutes of Nevada
in such cases made and provided, I, Kenneth L. Mann,
Trustee as aforesaid, do hereby dedicate to the
perpetual use of the public streets & cemetery, as
shown on this map.

In Witness Whereof, I have hereunto set my hand and
seal as such Trustee this 11th day of December, 1962

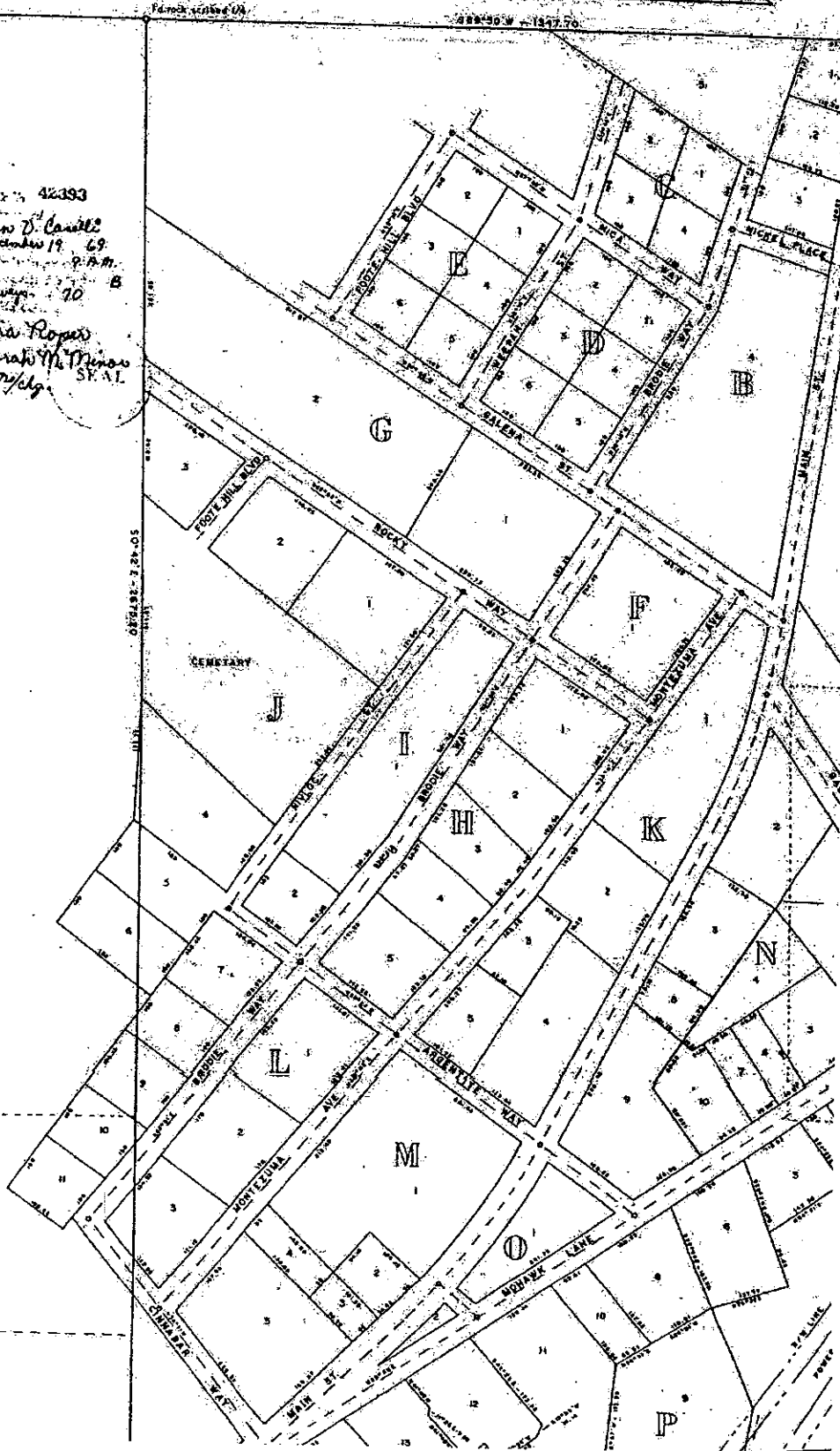
Kenneth L. Mann
Trustee

Books of Record:
West 1/4 section line W1/2 NE1/4 Sec. 22

SILVERPEAK

SURVEYED BY: J.V. CASSELL, R.L.S. 480 RENO, NEVADA
SCALE: 1" = 100 FT.

NEVADA



Kevin Fitzgerald
 Job: Shamrock NV 106.1 New.fmj
 Master Database: 2008_Jun_19.fmd
 Lat: N37:49:22 Lon: W117:09:53 NAD-27
 Channel: 291 Class: C

Page 1 of 2
 Date: 6/26/2008 7:04:11 PM
 rfInvestigator Version 2.8.1
 by rfSoftware, Inc.

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved
 Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF
 Range: 100 km

Comments: No Comments

Description: Shamrock Silverpeak, NV, 106.1 mHz, 100 kw 600m HAAT Reference Coordinates

Call Sign	Latitude (NAD2)	Longitude (NAD2)	City	Stat	Serv	Channel	Class	Stat	73	207	Mi	73	207	C	ERP	HAA	Adjacen	Distanc
# STAT:ADD	N36:39:05	W116:24:55	AMARGOSA VAL	NV	FM	290	105.9	C1	ADD	209	-62.98	0.00	0	1st Adj	146.02			
# 20070226AER	N36:31:16	W116:16:50	AMARGOSA VAL	NV	FM	290	105.9	C1	CP	209	-44.58	80.00	93	1st Adj	164.42			
KFJK	N37:04:23	W119:25:51	FRESNO	CA	FM	290	105.9	B	LIC	217	0.11	2.40	597	1st Adj	217.11			
KSNM	N36:52:39	W114:21:20	LOGANDALE	NV	FM	291	106.1	C1	RSV	270	0.11	0.00	0	Co-Chan	270.11			
KSNM	N36:52:39	W114:21:20	LOGANDALE	NV	FM	291	106.1	C1	APP	270	0.11	100.02	298	Co-Chan	270.11			
20061107AEX	N35:50:55	W116:13:40	TECOPA	CA	FM	291	106.1	A	APP	226	8.47	0.00	0	Co-Chan	234.47			
STAT:VAC	N35:50:48	W116:13:24	TECOPA	CA	FM	291	106.1	A	VAC	226	8.82	0.00	0	Co-Chan	234.82			
K237AV	N37:43:37	W117:13:28	GOLDFIELD	NV	FM	237	95.3	DX	LIC	0	11.87	0.08	107	IF	11.87			
KCFA	N38:22:40	W120:11:33	ARNOLD	CA	FM	291	106.1	B1	LIC	259	13.64	3.80	257	Co-Chan	272.64			
20061113AGJ	N35:47:05	W116:08:41	TECOPA	CA	FM	291	106.1	A	APP	228	17.79	0.00	0	Co-Chan	243.79			
K290AO	N38:03:07	W117:13:31	TONOPAH	NV	FM	290	105.9	DX	LIC	0	25.99	0.01	0	1st Adj	25.99			
20061006ABS	N39:54:35	W118:55:15	LOVELOCK	NV	FM	292	106.3	C	CP	241	36.32	93.10	600	1st Adj	277.32			
KRAB	N35:21:33	W118:43:45	GREENACRES	CA	FM	291	106.1	B1	LIC	259	48.14	25.00	100	Co-Chan	307.14			
KMMT	N37:37:42	W119:01:47	MAMMOTH LAK	CA	FM	293	106.5	B1	LIC	105	60.84	0.36	723	2nd Adj	165.84			
STAT:ADD	N37:21:07	W115:19:30	ALAMO	NV	FM	288	105.5	C2	ADD	105	65.70	0.00	0	3rd Adj	170.70			
KVPW	N36:26:50	W119:37:10	KINGSBURG	CA	FM	292	106.3	B1	LIC	193	73.24	16.00	128	1st Adj	266.24			
KSNM	N36:50:49	W113:29:28	ST. GEORGE	UT	FM	291	106.1	C2	LIC	249	94.11	2.00	577	Co-Chan	343.11			
STAT:RSV	N36:50:49	W113:29:28	ST. GEORGE	UT	FM	291	106.1	C2	RSV	249	94.11	0.00	0	Co-Chan	343.11			

- This facility has proposed a Channel Change to Channel 250C1

Contour Analysis

Kevin Fitzgerald

Job: Shamrock Silverpeak 106.1 Site.fmj

Master Database: 2008 Jun 23.fmj

Lat: N37:49:22 Lon: W117:09:53 NAD-27

Scale: 1:1000000

Channel: 291 Class: C

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels:

Range: 100 km, Clearance: FCC

Comments: No Comments

Description: Proposed Shamrock 106.1 Silverpeak, NV; Reference Coordinates 70 dBu Study; 100 kw @ 600m HAAT

rfInvestigator Version 2.8.1

by rfSoftware, Inc.

Date: 7/7/2008 1:14:36 PM

Key:

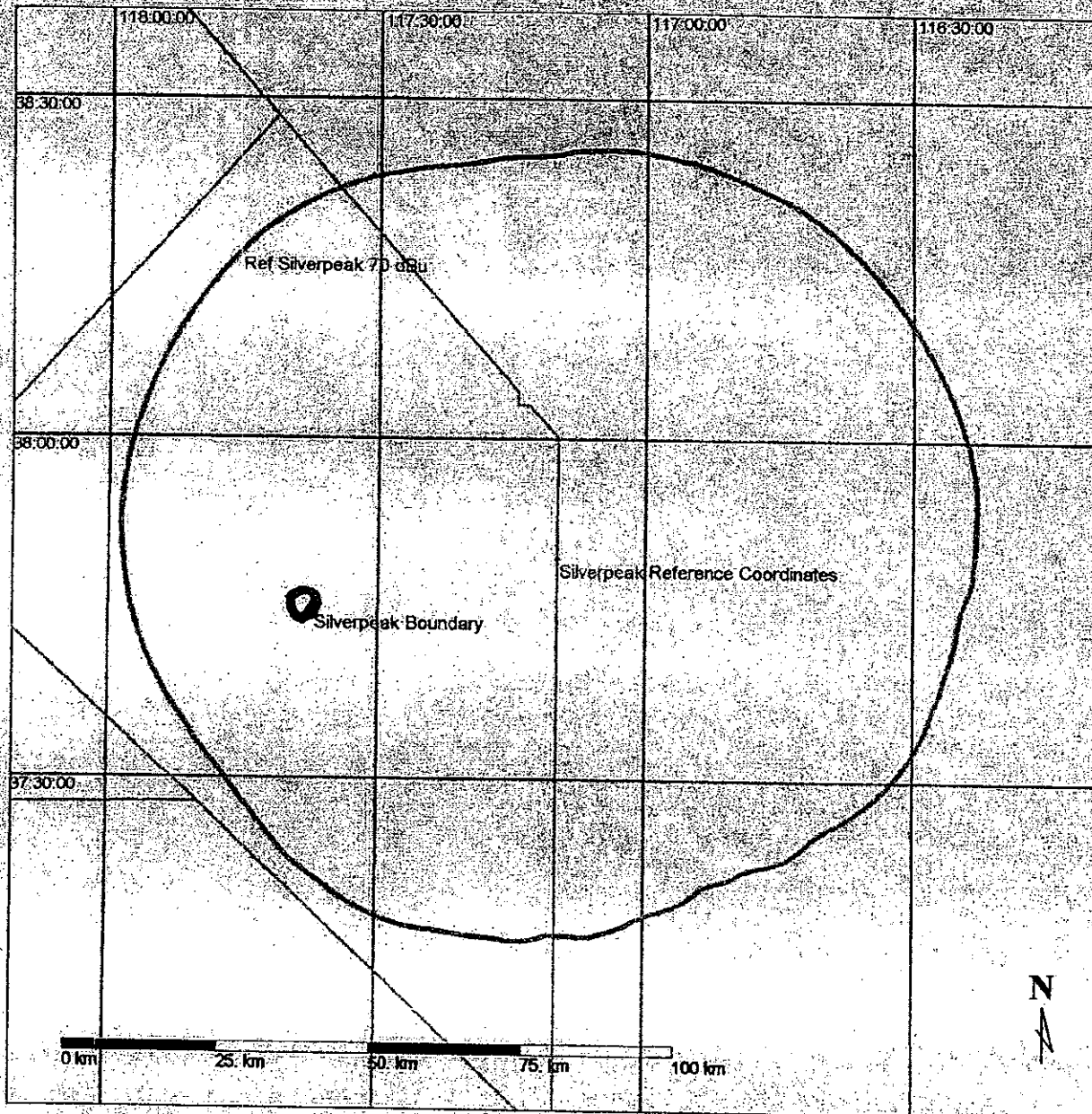
City Grade


Protected

Co-Channel

1st Adj

2nd/3rd Adj






Esmeralda County, Nevada

accessesmeralda.com

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- Communities
- County Offices
- Economic Development
- Events
- Tourism
- In the News
- Yucca Mountain

Silver Peak, Nevada

POPULATION

Year	Silver Peak	Esmeralda County
2000	161	1,061
2006	117	1,262

CLIMATE

Average precipitation 4.41 inches
Average snowfall 2.8 inches
Average temperatures
January average high 47.1 F
January average low 18.9 F
July average high 97.2 F
July average low 62.2 F

AIRPORT

N/A

TRANSPORTATION

Major Highways
Nevada 265
Northbound - connects to US 6 & US 95
Southbound - connects to US 95

TRUCK SERVICES

Motor Cargo, DHL, Fed Ex & UPS

APPROXIMATE MILEAGE FROM GOLDFIELD TO

Denver, CO 958
Los Angeles, CA 512
Las Vegas, NV 211
Phoenix, AZ 525
Reno, NV 221
Salt Lake City, UT 661
San Francisco, CA 445

CHURCHES

1 Baptist Church

COMMUNITY ORGANIZATIONS

N/A

EDUCATION

Silver Peak Elementary School (K-8)
Grades 9-12 bused to Tonopah

EMERGENCY/MEDICAL SERVICES

EMT staffed volunteer ambulance service
Esmeralda County Sheriff
Hospital in Tonopah
Mine rescue, volunteer rope rescue, & Hazmat team
Volunteer fire department

EVENTS

4th of July town picnic, parade & fireworks

LIBRARY

1 public library

LOCAL RECREATION

Lighted tennis court, swimming pool, basketball court, picnic area, base shooting range, sand dunes, & petroglyphs

NEARBY RECREATION

Hunting, fishing, backpacking, bike and 4-wheel drive trails, ghost town camps

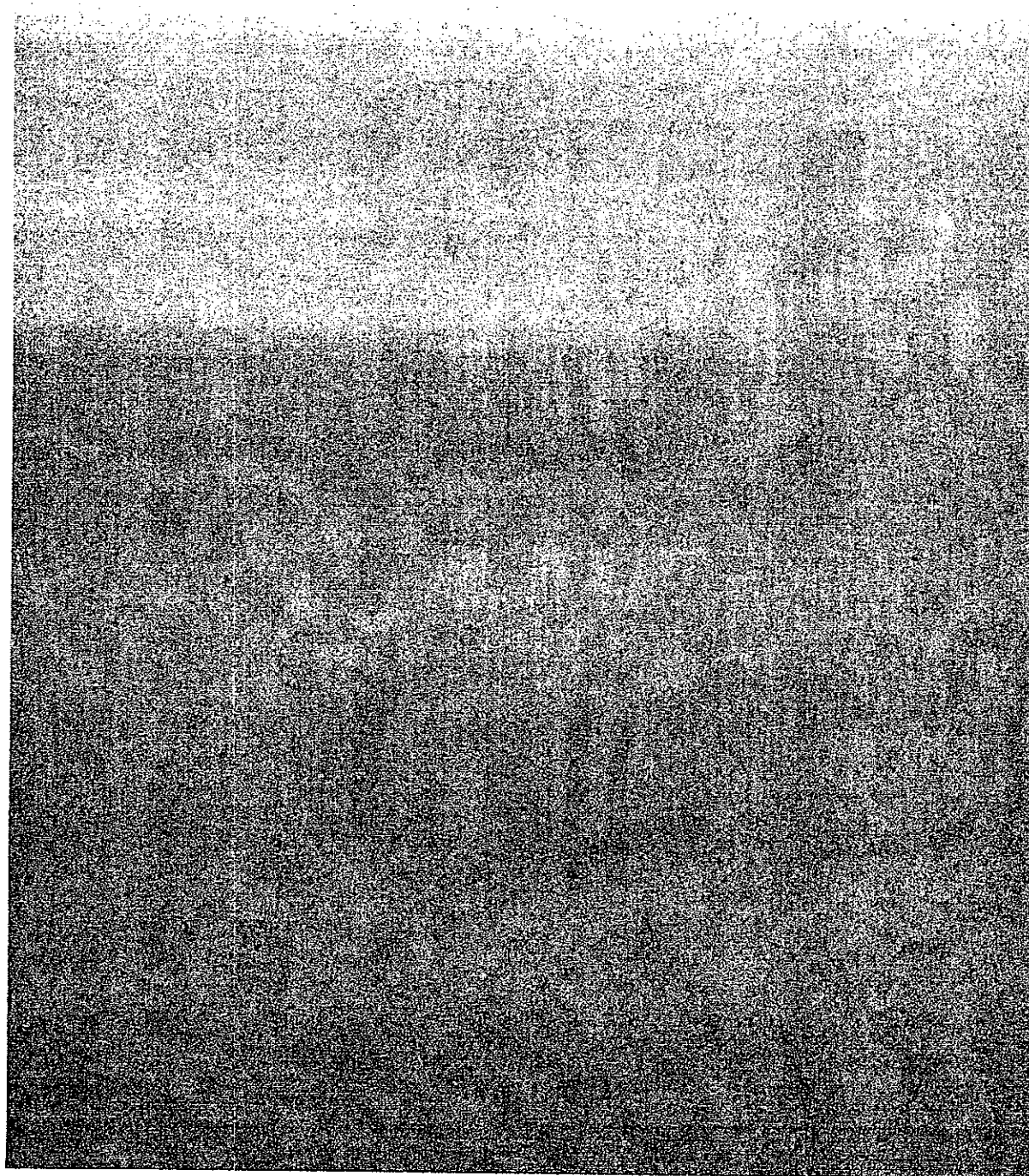


[Top of Page](#)

Source: Nevada State Demographer

Document Last Modified: 06/08/2008

Designed by: C. Snyder & Co.



Library Technology Guides

Key resources in the field of Library Automation

Silverpeak Public Library

Esmeralda County, NV

Address: 10 Montezuma Street; PO Box 128
Silverpeak, NV 89407-0128
United States

County: Esmeralda

Phone: 775-937-2215

Location: [View Streetmap](#)

Connect to: Online Catalog

Library details: Silverpeak Public Library is a Public library. This library is a branch or division of the library system that serves Esmeralda County, NV.

Technology: The library uses the Polaris library automation system implemented in 2001. The library participates in the shared automation system provided by the Cooperative Libraries Automated Network consortium.

Permalink: <http://www.librarytechnology.org/lwc-displaylibrary.pl?RC=9051>
(Use this link to refer back to this listing.)

Administrative: This listing was added to lib-web-cats on Oct 19, 2003 and was last modified on Feb 11, 2008. Its unique record number in lib-web-cats is 9051. The National Center for Educational Statistics refers to this library facility with the identifier NV022-01. This library has been accessed 4 times through lib-web-cats.

NCES Statistics: [View NCES Statistics](#)
Launch a new window showing detailed statistics available from the National Center for Educational Statistics

Updates: Corrections or Updates? Registered members of Library Technology Guides can submit updates to library listings in lib-web-cats. [Registration](#) is free and easy. Already registered? [login](#). Or, you can report corrections just by sending a message to [Marshall Breeding](#).

Other Libraries

- [Silverpeak \(NV\)](#)
- [Esmeralda county \(NV\)](#)
- [all Public libs in NV](#)
- [United States](#)

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ESMERELDA COUNTY

"Ghosts of the Past, Spirit of the Future"

UNINCORPORATED TOWNS

Goldfield, Silver Peak, Fish Lake Valley, Coaldale, and Gold Point

County seat relocated to Goldfield in 1907.

LOCATION: South central Nevada

COUNTY AREA: 3,570 square miles

AVERAGE ELEVATION: 5,400 feet

Local government is strictly the county commission as there are no town boards nor has there ever been a city incorporated in the county. While all three major towns are served by post offices, there are no large retail outlets. Most shopping is done in Tonopah - 26 miles to the north of Goldfield. The county is diverse in its history and economic base.

Goldfield, situated on US 95, was discovered in 1901, shortly after the big strikes in Tonopah. At one time the population exceeded 30,000 people. Today the town relies on tourism and its status as county seat. Mining activity has been minimal for the past few years. Land for housing and retail or light industry is plentiful within the town limits. Central Nevada's only brewery is located in Goldfield.

Silverpeak has been a mining town since the early 1860's with two operations currently running, one gold and one lithium. Land is available for "smoke stack"/heavy industry. The town is accessible by a county road to the southeast from Goldfield and a paved state highway to US 95 in the north. The labor pool is trained in surface mining-related areas including heavy equipment operation and specialty fabrication.

Dyer/Fishlake Valley has been a farming and cattle area for nearly as long as mining has existed in Silverpeak. There has been some mining and processing in the area over the years. The area is geothermally active and some local operations make use of that resource. The area is connected by two paved roads; a state highway connecting to US 6 in the north which connects to Bishop, California at US 395 and another state highway to the south which connects easterly to US 95 below Goldfield and US 395 below Bishop.

Other areas include the mining camp of Goldpoint, the rancheria of Lida and the truckstop(which is for sale) at Coaldale junction. The northern tip of Tonopah in Nye county lies within Esmeralda county.

POPULATION AS OF 1998*

Goldfield..... 475
Silver Peak.....450

CLIMATE

Annual average rainfall..... 3 inches
Average Temperatures

Fish Lake Valley.....	325	January average high.....	47.0 F
Esmeralda County.....	1,490	January average low.....	25.0 F
*Estimated		July average high.....	92.0 F
HOUSING		July average low.....	76.0 F
Single Family detached.....	234	COMMUNITY SERVICES	
Single Family attached.....	20	CHURCHES	
Mobile Homes secured and unsecured.....	520	Goldfield, Silver Peak, and Fish Lake - Baptist	
Total # of individual units.....	89	Churches Fish Lake - Catholic Services, Episcopalian	
Agricultural residential.....	33	MEDICAL - In Tonopah: 1 Hospital, Mental Health	
HOURLY WAGE		Clinic, optometrist, 2 dentists	
Mining.....	\$15.00	SENIOR CITIZEN CENTER - 1 Center in Tonopah,	
Construction.....	12.00	Senior's vans based in Goldfield, Silver Peak and	
County Employees(plus benefits).....	9.72	Dyer.	
County School Employees(plus benefits).....	13.04	SCHOOLS - K through 8 in Goldfield, Silver Peak,	
State Employees(plus benefits).....	10.03	and Fish Lake Valley	
Wholesale/retail trade.....	7.00	9 - 12 bussed to Tonopah	
LABOR FORCE		LIBRARY - 1 each in Goldfield, Silver Peak, and	
Labor Force.....	524	Fish Lake Valley	
TAXES		COMMUNITY ORGANIZATIONS	
Corporate income.....	None	In Goldfield	
Franchise.....	None	Chamber of Commerce	
Grocery store food items.....	None	Historical Society	
Inventory.....	None	Girl Scouts	
Estate.....	None	Order of Eastern Star	
Unitary.....	None	Montezuma Lodge #30 F & AM	
Sales.....	6.5%	In Silver Peak	
Real property tax per \$100 of assessed valuation (35% of taxable value)		Beta Sigma Phi	
Esmeralda		In Fish Lake	
County.....	\$2.8150	Dorcas Woman's Club	
		RECREATION	
		In Goldfield:	
		Goldfield Park includes picnic area, tennis court,	

Gasoline (per gallon)

County..... .04

State..... 18.4

UTILITIES

Electricity

Goldfield and Silver Peak - Sierra Pacific Power

Fish Lake and Gold Point - Valley Electric

Propane:

Propane available from four dealers

Water and Sewer

Goldfield - water and sewer available

Silver Peak - water system, septic systems

Fish Lake - wells and septic systems

Telephone

Goldfield & Silver Peak- Citizens Communications

(Digital to Goldfield with fiberoptic cable soon)

Lida Junction & Coaldale-Nevada Bell

Dyer-Nevada bell digital radio link.

Cellular service county-wide via Cellular One.

TRANSPORTATION

MAJOR HIGHWAYS

U.S. 95

Northbound - Tonopah, Carson City, Reno

Southbound - Las Vegas

TRUCK SERVICES

Motor Cargo, Fleet Delivery & Anderson Trucking

U.P.S. and Federal Express

BUS SERVICE

K - T Services daily from Goldfield to Las Vegas and Reno connecting with Greyhound

playground, and lighted baseball field

In Silver Peak:

Tennis court, swimming pool and basketball court-all lighted. Picnic area, baseball field, shooting range, sand dunes, dirt track racing team; "Junk Yard Dog" and petroglyphs.

In Fish Lake:

Community Center, lighted rodeo arena, park, public hot tubs and picnic areas

NEARBY

Hunting, fishing, back packing, 4 wheel drive trails, plinking, ghost towns and mining camps.

COMMUNITY EVENTS

Silver Peak

March - Tonopah 300 off road race; July 4 - Town picnic, parade and fireworks; December - Craft fair and Santa celebration

Fish Lake Valley

Easter weekend - egg hunt, 3 Sat. April - chili cookoff; First Saturday in May - BBQ at Community Center; July 4 - Parade, rodeo, and fireworks; 2 week October Fall festival; Thanksgiving Community wide Potluck Dinner

EMERGENCY SERVICES

Esmeralda County Sheriff's Office

Volunteer fire departments, all 3 communities

EMT staffed volunteer ambulance service, all 3 communities, mine rescue, volunteer rope rescue, and Hazmat Team

FOR MORE INFORMATION CONTACT

Economic Development Authority - Esmeralda/ Nye Counties (EDEN) / Sandy Harmon, Executive Director

P.O. Box 153

Tonopah, NV 89049

(775) 482-8139 FAX (775) 482-7389

Email: nveden@aol.com

AIRPORTS

Goldfield, Silver Peak, Fish Lake, Coaldale, and Lida
junction airports are short gravel.

Goldfield Chamber of Commerce

Virginia Ridgway, President

P.O. Box 219

**APPROXIMATE MILEAGE FROM GOLDFIELD
TO:**

Goldfield, NV 89013

Denver, Colorado.....933

(775) 485-6365 FAX (775) 485-3542

Los Angeles, California.....487

Esmeralda County Commission

Las Vegas, Nevada.....186

P. O. Box 547

Phoenix, Arizona.....500

Goldfield, NV 89013

Reno, Nevada.....265

(775) 485-3406 FAX (775) 485-6351

Salt Lake City, Utah.....636

San Francisco, California.....502

[Business Incentives]**[Nevada Science & Technology Corridor]**

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Funded, in part, by a grant from the Nevada Commission on Economic Development

revised 10/13/99